



UNITED STATES PATENT AND TRADEMARK OFFICE

mt

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/776,345 | 02/12/2004 | Kyung-geun Lee | 1793.1182 | 1717 |

49455 7590 10/23/2006

STEIN, MCEWEN & BUI, LLP
1400 EYE STREET, NW
SUITE 300
WASHINGTON, DC 20005

EXAMINER

PSITOS, ARISTOTELIS M

ART UNIT PAPER NUMBER

2627

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--|--|--|
| Office Action Summary | Application No. 10/776,345 | Applicant(s) LEE, KYUNG-GEUN | |
| | Examiner Aristotelis M. Psitos | Art Unit 2627 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2627

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The IDSes filed on 4/24/06, 9/8/04 and 3/31/04 have been received and made of record.

The examiner groups the claims into 3 areas: a) claims 1-17 having "compatibility information", b) claims 18-23 – having either a multi-pulse or single pulse write strategy information, and group c) having optimal writing pattern information.

Specification

The specification – and claims recite the phrases --- "sum signal" and – "differential signal". This examiner is not familiar with such phrases. Hence further clarification is required.

No position is taken with respect to claims reciting such limitations since it would require undue speculation upon the part of this examiner to define such terms.

Claim Objections

Claim 12 is objected to because of the following informalities: The phrase "drive text zone" appears to be in error – i.e., perhaps --- drive test zone ---? Appropriate correction is required.

As far as the claims recite positive limitations and as interpreted by the examiner, the following positions are taken.

With respect to Group a – as identified above.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2627

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

1. Claims 1,2,4,5,7 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Inazawa et al.

Claim 1 recites 3 specific areas: a lead in, a user and a lead out. Such areas are clearly depicted/disclosed in Inazawa et al.

With respect to the wherein clause of claim 1, the examiner interprets the disclosure with respect to figures 5 and 6 as meeting such. Obviously, when the record medium is used in a recording/and or reproducing apparatus, data is transferred.

With respect to claim 2. Since "versions" vary, i.e., version 1.0, version 2.0 etc. similar to the concept of draft copies in any office memo environment., the examiner interprets the « book version » to meet such claimed ability. Additionally the examiner is not certain as to how the « version » adds structural limitations to the record medium. Further clarification is respectfully required.

Art Unit: 2627

With respect to claim 4, the examiner interprets the lead-in , the read-in area as being read only, and hence the placement of the version information/compatibility information is so located.

With respect to claim 5, such is present – see figure 4a.

With respect to claim 7, since information is present in the lead-in (read-in) area, the examiner concludes that this limitation is met, else no information would have been able to be present.

With respect to claim 11, such is present – see the discussion with respect to book type and book version with respect to figure 6.

2. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 above, and further in view of the known –DVD – physical specifications version 1.9, July 1998, as noted in Sasa et al ('595).

The Inazawa et al document describes the ability of providing information with respect to the modulation technique as part and parcel of the information provided on the disc. Although there is no clear depiction of the multi-pulse and or single pulse write strategy, such are well known/taught as indicated in the Sasa et al reference – see col. 8 starting at line 39 with respect to the July version 1.9 of DVD Specifications. The examiner does not have a ready copy of such, however, the description in Sasa et al is sufficient to meet the limitations of this claim.

It would have been obvious to modify the base system of Inazawa et al with such a write strategy, motivation is to use existing strategies in order to make compatible newer versions of information and save the use the added expense of continually buying “new” versions of an optical rec/repro. Apparatus.

3. Claims 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 above, and further in view of Okanishi.

With respect to claims 12-15, the various features are depicted – taught by the Okanishi document – see the discussion with respect to figure 3.

It would have been obvious to modify the base system of Inazawa et al with such a format teaching from Okanishi – for the reasons stated therein.

Art Unit: 2627

4. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 12 above, and further in view of Sasa et al.

The information so recited with respect to the writing patterns is known – and relied upon in this environment for the inherent ability thereof – such is depicted/taught by the Sasa et al reference.

It would have been obvious to modify the base systems as relied upon above with respect to claim 12 and further modify them with the above teaching from Sasa et al, motivation is to use existing formatting capabilities and hence save valuable resources – such as time – in developing a different format in order to be compatible with those used in the present world.

With respect to group b claims, the following position(s) are taken.

5. Claims 18,19,20,and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inazawa et al further considered with the noted July 1998 version 1.9 DVD specification as noted in Sasa et al.

Inazawa et al is relied upon for the reasons stated above – i.e., the 3 physical structural components of an optical disc.

The information with respect to the pulse strategy is considered further obvious in view of such depiction as noted in the noted passage in Sasa et al.

It would have been obvious to modify the base system of Inazawa et al with such a write strategy, motivation is to use existing strategies in order to make compatible newer versions of information and save the use the added expense of continually buying “new” versions of an optical rec/repro. Apparatus.

With respect to claim 19, such is considered present in Inazawa et al – i.e., the write strategy information is present in the disc id/physical information portion of the lead-in (read-in) area of the record.

With respect to claims 20 and 21, such are present – see figure 4a.

With respect to claim 22, such is considered present –i.e., such information must be recorded in the control zone, and hence it has a recordable area.

With respect to group c claims, the following position(s) are taken.

Art Unit: 2627

6. Claims 24-26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inazawa et al further considered with Sasa et al.

Inazawa et al is relied upon for the reasons stated above.

Furthermore, as disclosed in Sasa et al, his system provides for optimum recording see the discussion with respect to figure 3.

It would have been obvious to modify the base system of Inazawa et al with the above noted teaching of Sasa et al, motivation is as discussed in Sasa et al, to optimize.

With respect to claims 25,26 and 27, such are present in the base reference to Inazawa et al.

7. Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 24 above, and further in view of Yamagami et al.

The additional limitations are disclosed/taught by the Yamagami et al reference – see the description with respect to figure 4.

It would have been obvious to modify the base system of Inazawa et al with the above teachings from Yamagami et al, motivation is to ensure disk compatibility with a plethora of re/rep. System. as well as providing the various information required in order to reproduce information recorded onto the disc.

Conclusion

Allowable Subject Matter

Claims 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The particular bit arrangement is neither disclosed nor taught in the cited prior art.

Claims 6,8,21,23,27, and 30 are not understood and hence no position is taken with respect to these claims – i.e., undue speculation upon the part of the examiner in order to define sum and differential signals.

Art Unit: 2627

In the above rejections, the reference to Yamagami et al can be relied upon in place of the base reference to Inazawa et al – again see the discussion with respect to book/type and version as described with respect to figure 4 in Yamagami et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M. Psitos whose telephone number is (571) 272-7594. The examiner can normally be reached on M-F: 6:00 - 2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne D. Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aristotelis M Psitos
Primary Examiner
Art Unit 2627



AMP